

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.2376 of 2019

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Anita Kumari, Chairman, Siksha Samiti, Nawada-cum-Member, Zila Parishad, Nawada, wife of Sri Gautam Kapoor, resident of Village/P.O. Gonawan, Gondapur, Nawada, Bihar- 805110, presently residing at V.I.P Colony, P.O./P.S./District- Nawada.

... .. Petitioner/s

Versus

1. The State of Bihar through the Principal Secretary, Education Department, Bihar, Patna.
2. The Principal Secretary, Panchayati Raj Department, Bihar, Gaya.
3. The Commissioner, Magadh Division, Gaya.
4. The Collector-cum-District Magistrate, Nawada.
5. The Chief Executive Officer, Zila Parishad-cum-D.D.C., Nawada.
6. Sri Suresh Chaudhary, son of not known, Secretary, Siksha Samiti, Zila Parishad, Nawada- cum-District Education Officer, Nawada.

... .. Respondent/s

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Appearance :

For the Petitioner/s : Mr.Sidhendra Narayan Singh
For the Respondent/s : Mr.Kumar Alok (SC7)

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 03-05-2019 The petitioner claims that she being the Chairman of the Siksha Samiti of the Zila Parishad, Nawada is unable to discharge her statutory duties and responsibilities because of not holding of the meeting despite several requests made by her to the District Education Officer who is the Secretary of the Siksha Samiti, Zila Parishad.

Learned counsel submits that in CWJC No.7840 of 2012, a learned coordinate Bench of this Court had been pleased to issue a direction to the concerned respondents to act in



accordance with law and to follow the guidelines issued by the State Government from time to time in the matter of discharge of their statutory duties.

Learned counsel for the State is present and submits that so far as statutory duties are concerned, the statutory functionaries would be obliged to perform his duties and to that extent a direction may be issued, but prayer of the petitioner to direct the legal action/departmental action against respondent no.6 is not a bona-fide prayer as it would not be just and proper to direct any departmental action against the respondent no.6 only because he has not been able to hold a meeting.

After hearing learned counsel for the parties, this Court disposes of the writ application with a direction to the Principal Secretary, Panchayati Raj Department, Bihar, Patna (respondent no.2) to look into the grievance of the petitioner, consider the same and issue an appropriate direction within 30 days from the date of receipt/production of a copy of this order. If the respondent no.2 comes to a conclusion that the respondent no.6 is not performing his statutory duties as Secretary of the Siksha Samiti, Zila Parishad, an appropriate direction be issued to him for performing his responsibilities in accordance with law and in terms of the guidelines of the State Government,



failing which the respondent no.6 may be held liable for not performing his statutory duties.

This Court is, however, not willing to issue any direction to take legal action/departmental action against the respondent no.6 at this stage for the aforesaid reasons.

This writ application is disposed off accordingly.

(Rajeev Ranjan Prasad, J)

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